

REMARKS

In response to the final Office Action dated March 16, 2005, Applicant submits herewith a Request for Continued Examination. In light of the above amendments and the following remarks, Applicant requests allowance of claims 1-7, 9-10 and 12 in the instant application.

Claim 8 has been cancelled, since its subject matter has now been incorporated into claim 1. Applicant has also added new claim 12. Support for new claim 12 may be seen in the Figures as originally filed.

Furthermore, Applicant has added further amendments to independent claims 1 and 10. Support for these amendments may be found in the specification, drawings and claims as originally filed.

The Examiner has rejected claims 1-7 and 10 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2004/0118263 to Hellbergh (“Hellbergh ‘263”). The Examiner has also rejected claims 1, 2, 4-8 and 10 under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Publication No. 2002/01483340 to Tsujimoto (“Tsujimoto ‘340”). Finally, the Examiner has rejected claims 1, 2 and 7-10 under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 4,827,822 to Yoshida et al. (“Yoshida ‘822”) and U.S. Patent No. 2,734,533 to Roberts (“Roberts ‘533”).

The Examiner withdrew all of the prior rejections and asserted new grounds for rejection in the final Office Action.

Hellbergh ‘263 discloses a versatile band saw blade having a plurality of cutting teeth separated by gullets. Hellbergh ‘263 clearly neither describes nor shows a cut out in a blade valley between adjacent teeth. These are discrete elements required by amended claims 1 and 10, yet the Examiner is apparently reading the blade valleys or gullets in Hellbergh to satisfy both of these elements in claims 1 and 10. The same appears to be true with the Examiner’s reading of Tsujimoto ‘340.

Thus, Applicant has further amended claim 1 and 10 to make clear that the cut out is separate from the blade valley and that it furthermore extends below the blade valley. Finally, the Applicant has specified that the cut out has a depth no more than one-half the height of its adjacent tooth. Clearly the purported cutouts in Hellbergh and Tsujimoto ‘340 both extend more than half of the height of their adjacent teeth.

Applicant has also amended claim 1 to specify that the teeth have a curvilinear, ski-jump shaped profile. This stands in contrast to the teeth in Hellbergh and Tsujimoto which both have angular profiles. In light of the above amendments, withdrawal of the anticipation rejections of claims 1 and 10 based on Hellbergh '263 and Tsujimoto '340 is in order.

The Examiner will note that the subject matter in claim 8 is now incorporated in claim 1. Claim 8 is therefore cancelled. Claims 2-7, 9 and new claim 12 all depend on and add further limitation to claim 1. These claims are therefore deemed allowable for the same reasons as set forth above.

Respecting Yoshida '822 and Roberts '533, neither reference teaches or suggests the cut out and blade valley limitations of claims 1 and 10, as now amended. In fact, none of the art of record discloses such features as now claimed. Yoshida '822 teaches directly away from the invention, since the purported cutouts in Yoshida clearly do not extend through the thickness of the blade. The Potomak patent, U.S. Patent No. 3,362,446 ("Potomak '446"), alluded to by the Examiner in paragraph 5 of the Office Action, is non-analogous art as it relates to circular saws. Therefore, one skilled in the art would not have looked to Potomak '446 in light of Yoshida '822 for a teaching to place the cut out through the entire blade thickness. In any event, combining Yoshida and Potomak, at this time, fails to provide the other limitations now present in claims 1 and 10 as newly amended.

The Examiner's proposed combination of Roberts '533 and the Balke patent (Office Action paragraph 6) suffers from the same deficiencies as the proposed combination of Yoshida '822 and Potomak '446.

Finally, the Examiner's comment at the bottom of page 3 of the Office Action misses the point. While skilled artisans may know to vary the depth of the valleys between the teeth for various materials and desired results, this knowledge still fails to contemplate a cut out extending even further below the valley as now required by claims 1 and 10.

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In light of the above, Applicant requests removal of the rejections with respect to all remaining claims in the instant application.

Respectfully submitted,

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